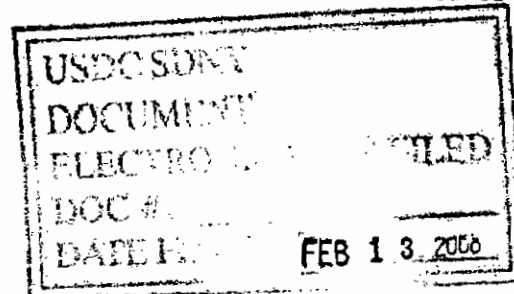


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February 12, 2008

VIA FACSIMILE TO 212-805-0426

The Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.

**RE: Abrams v. Excel
07 CV 7864 (LTS)**

Dear Judge Swain:

I represent the plaintiff in the above matter. I did have the complaint served, but it had to be done by "nail and mail." I understand from the process server that the representative from the company would not open the door and was very confrontational. I have not heard anything since. Therefore, it appears that plaintiff will be forced to move for default. In the meantime, plaintiff requests that the conference scheduled for this Friday be adjourned.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

Adam J. Fishbein

The initial pretrial conference
is adjourned to April 11, 2008
at 11:00AM. Counsel's attention
is directed to paragraph 2.C.
of the undersigned's
Individual Practices Rules.

SO ORDERED.

2/13/08
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE